



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/449,250	11/24/1999	MI-SUEN LEE	PHA-23-859	6048

24737 7590 12/13/2005

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

KIM, CHONG R

ART UNIT PAPER NUMBER

2623

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/449,250

Applicant(s)

LEE, MI-SUEN

Examiner

Charles Kim

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 26, 2005 has been entered.

Response to Arguments

2. Applicant's arguments filed on July 7, 2005, have been fully considered, but they are not deemed to be persuasive for at least the following reasons.

Applicants argue (page 3) that the claimed features meet the written description and enablement requirements because "the present disclosure then further teaches that 'this constraint (matter is cohesive) has been used by various techniques that produce a non-parametric description for the segmentation and grouping of curves and/or regions from noisy data set.' (Page 11, lines 12-14; emphasis added.)" The Examiner disagrees. The applicant's specification indicates that the difference image is segmented into regions using lines that pass through the entire image based on the fact that "humans usually appear in upright positions in an image" (page 11, lines 5-13). Furthermore, the applicant's specification (page 9, lines 13-25) states that "an attentive process is one that needs to use previously acquired knowledge in order to perceive an object in an image, which usually takes longer than a pre-attentive process...in order to use

this prior knowledge, the detection technique of the illustrative embodiment assumes people appear in an upright position in the image sequence." It appears that the use of the prior knowledge of humans usually appearing upright is considered an attentive process, not a preattentive process. Note that the application's specification clearly differentiates the two processes. Therefore, the applicant's specification does not sufficiently provide support for the claimed features, more specifically, segmenting the difference image into a plurality of regions having one or more lines passing through the entire image based on a grouping principle for preattentive perception.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Referring to claim 1, the phrase, "segmenting the difference image into a plurality of regions utilizing a grouping principle for preattentive perception, wherein the difference image is segmented into a plurality of regions such that each of the regions are bounded by one or more

lines passing through the entire image” in lines 5-9 is not sufficiently described in the applicant’s specification. The closest instance to this feature appears to be on page 10, lines 17-19, where it states, “The segmentation approach used in the illustrative embodiment of the present invention makes us of a grouping principle for pre-attentive perception.” However, it appears that the “segmentation approach” is referring to the determination of the change map $C(x,y)$ and the extraction of the motion silhouettes (page 10, lines 3-16). The “region segmentation” (the segmentation process that segments the image into a plurality of regions such that each of the regions are bounded by one or more lines passing through the entire image) is described on page 11, line 5 to page 12, line 11. It appears that the region segmentation is performed by analyzing a horizontal projection profile and determining the region boundary saliency $RS(X)$, wherein the maxima of $|RS(X)|$ are candidates for region boundaries--the one or more lines passing through the entire image. The Examiner was unable to find an instance in the applicant’s specification that indicates that the region segmentation is performed using the “grouping principle for preattentive perception,” as claimed. Similar rejections are applicable to claims 9 and 20.

Claims not mentioned specifically are dependent from the antecedent claims described above.

4. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Referring to claim 1, the phrase, “segmenting the difference image into a plurality of regions utilizing a grouping principle for preattentive perception, wherein the difference image is segmented into a plurality of regions such that each of the regions are bounded by one or more lines passing through the entire image” in lines 5-9 is not supported by the applicant’s specification. More specifically, the applicant’s specification is non-enabling in regards to how the region segmentation process is performed utilizing a grouping principle for preattentive perception. As noted above, the “region segmentation” is performed by analyzing a horizontal projection profile, wherein the one or more lines passing through the entire image are determined based on region boundary saliency values. Therefore, it is unclear how the grouping principle for preattentive perception is used to perform the region segmentation process. Similar rejections are applicable to claims 9 and 20.

Claims not mentioned specifically are dependent from non-enabled antecedent claims.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Kim whose telephone number is 571-272-7421. The examiner can normally be reached on Mon thru Thurs 8:30am to 6pm and alternating Fri 9:30am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Jingge Wu can be reached on 571-272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ck

November 28, 2005


SAMIR AHMED
PRIMARY EXAMINER